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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 DAVANZIA, S.L., a Spanish corporation,

12 Plaintiff,

13 v.

14 LASERSCOPE, INC., a California
corporation, and AMERICAN MEDICAL
15 SYSTEMS, INC., a Minnesota corporation

16 Defendants.
17

CASE NO. C 07-00247 JF

**STIPULATION FOR CONTINUANCE OF
TRIAL DATE AND EMERGENCY REQUEST
FOR ORDER IN ACCORDANCE
THEREWITH**

18 It is hereby stipulated, by and between the parties to this action, through their respective
19 counsel of record, and pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, as follows:

20 WHEREAS, the trial in this matter is currently set for May 9, 2008;

21 WHEREAS, there are currently a large number of discovery disputes outstanding in this
22 matter;

23 WHEREAS, though the parties are meeting and conferring on the above-described
24 discovery disputes in an attempt to limit motion practice, they realistically anticipate that several
25 of those disputes will require the filing of motions by Davanzia, and Magistrate Judge Lloyd's
26 intervention, in order to be resolved;

27 WHEREAS, Davanzia will be filing a motion for leave to amend its complaint;
28

1 WHEREAS, issues have developed with the timing of the above-described motions:
2 Davanzia is concerned that without a continuance the motions will need to be accompanied by
3 motions to shorten time, and heard on shortened time, in order to be ruled on, and complied with,
4 before the current trial date, and Laserscope is concerned that the motions cannot appropriately
5 and fairly be briefed and considered on those shortened schedules;

6 WHEREAS, efforts by the parties to settle this matter will be facilitated by the eventual
7 receipt of the Court's order on Davanzia's Motion for Partial Summary Judgment, filed on
8 January 10, 2008 and argued on February 15, 2008, and Laserscope's Motion for Summary
9 Judgment, filed on February 29, 2008 and to be argued on April 4, 2008, and the Court's
10 consideration of Davanzia's anticipated motion to amend the complaint.

11 WHEREAS, the parties have a discovery motion pending in the District Court of
12 Minnesota;

13 WHEREAS, the parties have a motion for a protective order pending before Magistrate
14 Judge Lloyd in this Court;

15 WHEREAS, there are currently two outstanding third party subpoenas to which the third
16 parties have not timely replied, and which therefore necessitate further efforts by the parties to
17 obtain compliance therewith, including possible additional motion practice;

18 WHEREAS, the parties agree that without a continuance of a minimum of sixty (60)
19 calendar days there may not be adequate time for the above-referenced issues in this case to be
20 adequately and timely addressed, or for the parties to prepare for trial in light of the decisions
21 issued with respect to pending motions and motions still to be filed;

22 IT IS HEREBY STIPULATED that the current May 9, 2008 trial date in this matter, and
23 all dates related thereto as referenced in Judge Fogel's Standing Order Re Pretrial Preparation,
24 should be vacated.

25 IT IS FURTHER STIPULATED that any new trial date in this matter should be set a
26 minimum of sixty (60) calendar days from May 9, 2008.

27 IT IS FURTHER STIPULATED that, rather than immediately setting an alternative trial
28 date, it would be preferable if the Court would set a Case Management Conference for May 2,

2008 (when motions are likely to be scheduled for hearing), or any date thereafter that is convenient for the Court, during which conference the parties and the Court can discuss, and the Court can set, a new trial date.

IT IS SO STIPULATED.

Dated: March 18, 2008

DLA PIPER US LLP

By /s/ William J. Frimel

WILLIAM J. FRIMEL
MARGARET A. CRAWFORD
Attorneys for Plaintiff
PACKETEER, INC.

Dated: March 18, 2008

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By /s. Gary Hansen

GARY HANSEN
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LASERSCOPE, INC. AND AMERICAN
MEDICAL SYSTEMS, INC.

IT IS HEREBY ORDERED that the foregoing stipulation is approved and adopted as an order of this court.

DATED: 3/19/08, 2008


JUDGE JEREMY FOGEL,
United States District Judge